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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

**FILE: B-186975**

**DATE: March 16, 1977**

**MATTER OF: A. L. Strasfogel - travel and transportation expenses**

**DIGEST:**

1. Manpower shortage employee traveling to first duty station by commercially rented automobile may not be reimbursed for actual expenses since travel order limited reimbursable travel expenses to cost of travel by common carrier in accordance with FTR paras. 2-2.1, 2-2.2, and 1-2.2 and he has been reimbursed in accordance with travel order.
2. Manpower shortage employee traveling to new duty station is entitled to reimbursement for transportation of household effects at the commuted rate since FTR para. 2-8.3c(3) requires the use of commuted rates for individual transfers within conterminous United States and there is no provision for reimbursing employee for actual costs in excess of such rate.

This action is in response to a request dated July 15, 1976, from Mr. Robert E. Reid, Jr., Authorized Certifying Officer, U. S. Energy Research and Development Administration (ERDA), for a decision on the propriety of certifying for payment a reclaim voucher submitted by Mr. A. L. Strasfogel for travel expenses incurred incident to his appointment to a manpower shortage position with ERDA in Germantown, Maryland.

Mr. Strasfogel was authorized on December 9, 1975, to travel from New York, New York, to Germantown, Maryland, by privately owned vehicle. Since he did not own an automobile, he was subsequently authorized the use of a rental car. The subsequent authorization stated that the cost of the use of a rental car was not to exceed the cost of transportation by common carrier. The travel order also authorized the transportation and temporary storage of his household goods.

Mr. Strasfogel rented a station wagon at an actual cost of \$143.26 and he and his wife drove to their new residence with

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681.66 pounds of household goods. Their remaining household goods were shipped by a commercial carrier at an actual cost of \$1,415.35. Mr. Strasfogel was reimbursed for his travel expenses and those of his wife in the amount of \$93.50 on the basis of constructive common carrier costs and for the transportation and temporary storage of his household goods in the amount of \$1,135.35. He has filed a reclaim voucher of \$279.76 which represents the difference between his actual expenses and the amount he was reimbursed for travel expenses and transportation of his household effects. He believes that he is entitled to the difference since he was a new employee and the Government officials did not properly advise him concerning Government regulations and the limitations on payment under the commuted rate system.

The payment of travel and transportation expenses is authorized by 5 U.S.C. §§ 5723 and 5724 (1970), as implemented by the Federal Travel Regulations (FPMR 101-7) (May, 1973). Travel by commercially rented automobile may be authorized under FTR para. 1-2.2c(4), amended May 19, 1975, made applicable by FTR paras. 2-2.1 and 2-2.2, when the agency determines that another method of transportation is not advantageous to the Government. However, generally, restricting reimbursable travel expenses to the cost of travel by common carrier is in accord with FTR para. 1-2.2. These regulations provide in part:

"c. Presumptions as to most advantageous method of transportation.

"(1) Common carrier. Since travel by common carrier (air, rail, or bus) will generally result in the most efficient use of energy resources and in the least costly and most expeditious performance of travel, this method shall be used whenever it is reasonably available. Other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would seriously interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation. The determination that another method of transportation would be more advantageous to the Government than common carrier transportation shall not be made on the basis of personal preference or minor inconvenience to the traveler resulting from common carrier scheduling.

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"(4) Special conveyance. Commercially rented vehicles and other special conveyances shall be used only when it is determined that use of other methods of transportation discussed in 1-2.2c would not be more advantageous to the Government. In the selection of commercially rented vehicles, first consideration shall be given to Government-contract rental vehicles available under an appropriate GSA Federal Supply Schedule contract."

Ordinarily a manpower shortage appointee is authorized to travel to his first duty station by common carrier or by a privately owned automobile, not by a rental car. When he is authorized to travel by a privately owned automobile, such use is deemed to be advantageous to the Government and the mileage allowance is not limited to the cost of travel by common carrier. In the instant case the use of a privately owned automobile was authorized at 10 cents per mile at an estimated cost of \$60. When it was learned that Mr. Strasfogel did not own an automobile, he was authorized to rent one, but the rental was not to exceed the cost by common carrier and the estimated cost was not increased. There is no indication that the rental automobile was authorized for a reason stated in FTR para. 1-2.2c(1), such as the use of a common carrier would seriously interfere with the performance of official duty or impose an undue hardship upon Mr. Strasfogel. In view of the above and since Mr. Strasfogel has been reimbursed \$93.50, which appears to be in excess of the mileage to which he would have been entitled if he had traveled in an automobile owned by him under his original authorization, he is not entitled to any additional payment.

FTR para. 2-8.3c(3) states that, for transportation within the conterminous United States, "commuted rates shall be used for transportation of employee's household goods when individual transfers are involved, \* \* \* (emphasis supplied)." Hence, the use of the commuted rate system in computing the reimbursable expense of transporting Mr. Strasfogel's household effects was proper. B-187173, October 4, 1976.

The commuted rate system is an approximation which, dependent upon the variables in each shipment, will sometimes be favorable

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to an employee but in other circumstances may operate to his disadvantage. B-174642, March 6, 1972. When it does operate to the disadvantage of an employee, there is no basis upon which the difference may be reimbursed, B-187173, supra.

Mr. Strasfogel has requested that we review the matter not from a legal standpoint, but from one of equity. Specifically, he believes that the Government has a responsibility to inform new employees adequately of their travel and transportation benefits and he claims that he was substantively misinformed of the limitations implicit in the commuted rate schedule.

Under the commuted rate system the employee makes his own arrangements for the transportation and temporary storage of his household effects. FTR para. 2-8.3a(1). He selects and pays the carrier or transports his goods by noncommercial means and is reimbursed later by the Government in accordance with schedules of commuted rates which are contained in GSA Bulletin FPMR A-2, Commuted Rate Schedule for Transportation of Household Goods. Therefore, agency officials cannot inform employees of a maximum reimbursable amount since the weight of the household goods to be shipped is not known to the agency officials before shipment has been completed.

With regard to Mr. Strasfogel's request that we consider the matter from the viewpoint of equity, we will not exercise equitable jurisdiction except where it is specifically granted by statute. 54 Comp. Gen. 527 (1974). Specifically, we have consistently refused to allow claims for transportation expenses which exceed those reimbursed on the commuted rate basis.

However, we note that in computing the amount due the agency has allowed Mr. Strasfogel reimbursement for the 681.66 pounds of household goods carried in the rented station wagon at the basic commuted rate but has not allowed him the commuted rate of additional transportation allowances for the elevator charge, etc. Therefore, Mr. Strasfogel should be allowed an amount equal to reimbursement for the additional transportation allowances at their commuted rates.

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The reclaim voucher should be processed in accordance with the above.

*Phyllis*  
Acting Comptroller General  
of the United States